

**BAKER & HOSTETLER LLP**

45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-05209 (SMB)

Plaintiff,

v.

LAPIN CHILDREN LLC,

Defendant.

**NOTICE OF MEDIATION REFERRAL**

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010, Protective Order [Adv. Pro. No. 08-01789 (SMB), ECF No. 3141.] (the "Avoidance Procedures

Order").<sup>1</sup> Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard, as trustee (the "Trustee") for the liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* ("SIPA"), and the substantively consolidated estate of Bernard L. Madoff individually ("Madoff"), in this Adversary Proceeding on November 30, 2010, [ECF No. 2], the Avoidance Procedures Order is applicable to the instant matter.

Pursuant to the Avoidance Procedures Order, the issues raised in the Trustee's complaint, are referred to mandatory mediation upon the conclusion of discovery. (Avoidance Procedures Order, ¶ 5A.) Discovery concluded in this adversary proceeding on April 25, 2017.

Pursuant to the Avoidance Procedures Order, within 14 calendar days after the filing of this Notice of Mediation Referral, the Trustee and Defendants (the "Parties") shall choose a mediator in accordance with the Mediation Order. (Avoidance Procedures Order, ¶ 5B.) If the Parties are unable to agree on a mediator, the Court shall appoint one in accordance with the Mediation Order. (Avoidance Procedures Order, ¶ 5C.)

[Signature Page Follows]

---

<sup>1</sup> All terms not defined herein shall be given the meaning ascribed to them in the Avoidance Procedures Order.

Dated: New York, New York  
August 25, 2017

BAKER & HOSTETLER LLP

By: /s/ Dominic A. Gentile  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Keith R. Murphy  
Email: kmurphy@bakerlaw.com  
Robertson D. Beckerlegge  
Email: rbeckerlegge@bakerlaw.com  
Dominic A. Gentile  
Email: dgentile@bakerlaw.com

45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201

*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff Investment  
Securities LLC and the Estate of Bernard L.  
Madoff*